IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10195 of 2004

Between:
T. Brij Kishore Singh, S/o Daulath Singh,
R/o H.No. 5-60, Near Police Quarters, Ibrahimpatnam, Ranga Reddy District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Ranga Reddy District at
Hyderabad.
2 The Motor Vehicle Inspector, Ibrahimpatnam, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly writ of mandamus declaring the action of the respondents in seizing the Tractor and Trailor bearing No. AP 28-T-8534, AP 28-T-8535 respectively under check report No. 0928323, dt. 30-4-2004, pending enquiry without following the due process of law as arbitrary, illegal and direct the respondents to release the Tractor and Trailor bearing No. AP 28-T-8534, AP 28-T-8535 seized under check report No. 0928323, dt. 30-4-2004.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents : GP FOR TRANSPORT

The Court at the stage of admission made the Following order :

The tractor and trailor bearing Nos.AP 28-I-8534 & AP 28-T-8535 of the petitioner were seized by the second respondent under check report No.0928323, dated 30.04.2004, on the ground that the vehicle was plying without any required documents. Whether the petitioner violated any rules of the Motor Vehicles Act or not has to be decided by the concerned Enquiry Officer. It is not desirable to keep the vehicle idle exposing to sun and rain causing damage.

In the result, the writ petition is disposed of at the state of admission, directing the first respondent to release the vehicle on depositing of Rs.5000/- with the following condition;

"that the vehicle shall be produced as and when required by the concerned authority and the petitioner shall not alienate or transfer the vehicle."

Under the circumstances, no costs.

_____

22nd June, 2004

sj/dsk

Copy to:

1. The Secretary, Regional Transport Authority, Ranga Reddy District, Hyderabad.
2. The Motor Vehile Inspector, Ibrahimpatnam, Ranga Reddy District.
3. Two CCs to the Government Pleader for Transport, High Court of A.P., Hyderabad. (OUT)
4. Two C.D.Copies.

THE HON'BLE MR JUSTICE K.C. BHANU

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22nd June, 2004